

DRAFT - Proposed Cost Recovery Model – Fee for Service

1. The juvenile dependency petition sent to parents includes a prominent notice informing them that they may be charged for the cost of legal representation (WIC 903.1, Rule 1407[a], Rule 1407[d]).
2. At the time of appointment, the attorney provides the parent with a financial declaration that the parent must fill out to determine eligibility for services.
 - a. The attorney helps the parent to complete the financial declaration prior to the initial hearing.
3. The judicial officer reviews the financial declaration to determine parent's eligibility for appointed counsel.
 - a. If parent is deemed ineligible for appointed counsel, the judicial officer refers parent to Lawyer Referral Service to obtain an attorney.
 - b. The declaration is kept under seal, in the case file.
4. After the disposition hearing, attorney fees are assessed.
 - a. If the case is dismissed at disposition, the court may waive attorney fees.
 - b. For any other disposition, a fee is assessed via court order.
 - c. The parent may dispute the fee assessment at the disposition hearing.
 - If the parent disputes the fee, s/he must file a dispute within x days of the hearing.
 - The fee review officer conducts an administrative review of the parent's financial information, and makes a recommendation to the judge regarding assessing fees.
 - The judge reviews the fee review officer's recommendation and financial declaration and makes a determination as to whether the fee should be assessed.
 - d. If the parent does not request a fee hearing, s/he must sign a waiver to that effect.
5. If a fee is assessed, the court forwards an order assessing fees to the fee review officer, who reviews the previously completed financial declaration to determine the parent's ability to pay.
 - a. The fee review officer may contact the parent and require him/her to provide verification of the financial information provided in the financial declaration.
 - b. If the parent is eligible for a category 1 or 2 civil fee waiver, no fee is collected and the fee is waived. The fee review officer notifies the court of the waiver.
 - c. If the parent is not eligible for a category 1 or category 2 civil fee waiver, the fee is not waived.
 - d. If the parent is not eligible for a category 1 or category 2 civil fee waiver, the fee review officer determines, based on criteria and a schedule established by the Working Group, the percent of fees the parent will be required to pay.
 - e. The fee review officer may work with the parent to establish a payment schedule.
 1. A one-time administrative fee charge may be assessed to authorize a payment plan.
6. The parent may make payment directly to the fiscal department of the court.
7. The fee review officer tracks payments received by the court, and follows up with parent regarding delinquent payments.
8. If the parent does not make timely payment, the fee review officer sends a notice of the court order to the designated collection agency.